

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**LAURIE STERLING McGILL)
Plaintiff,)
v.)
WILLIAMSON COUNTY SCHOOLS)
Defendant.)**

**No. 3:12-0264
Judge Trauger**

O R D E R

On February 18, 2013, the defendant filed a Motion for Summary Judgment (Docket Entry No. 11). The case was referred to the Magistrate Judge “for case management, decision on all pretrial, nondispositive motions and report and recommendation on all dispositive motions ...” (Docket Entry No. 14).

Presently before the Court is a Report and Recommendation (Docket Entry No.17) from the Magistrate Judge addressing the merits of the defendant’s Motion for Summary Judgment, to which the plaintiff has registered no timely objections.

In August, 2009, the plaintiff was hired as a teacher by the defendant school system. She remained in this position until her termination in November, 2011. The plaintiff initiated this action claiming that her termination was in violation of the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101, *et seq.* More specifically, the plaintiff claims that she was terminated from her employment because she suffers from “extreme anxiety and depression.”

Summary judgment shall be granted “if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. Rule 56(a), Fed.

R. Civ. P.

The ADA provides that “no covered entity shall discriminate against a qualified individual on the basis of disability in regard to ... the hiring or discharge of employees”. 42 U.S.C. § 12112(a). To establish a *prima facie* case of discrimination under the ADA, the plaintiff must show that she is a disabled person within the meaning of the Act, that she is otherwise qualified to perform the essential functions of her job with or without reasonable accommodation, that she has suffered an adverse employment decision due to her disability, and that her employer knew or had reason to know of her disability. Sullivan v. River Valley School District, 197 F.3d 804, 810 (6th Cir. 1999).

The plaintiff was being treated by Dr. Keith Caruso, a forensic psychiatrist. Dr. Caruso diagnosed the plaintiff as suffering from recurrent major depressive disorder and panic disorder. This condition prevented the plaintiff from working because it impaired her concentration and memory and deprived her of stress tolerance. Docket Entry No. 13-1 at pg. 9.

As a result of her condition, the defendant granted the plaintiff an uncompensated leave for the remainder of the school year. Before a new school year began, the defendant renewed plaintiff's teaching contract. *Id.* at pg. 3. Dr. Caruso released the plaintiff to return to work with restrictions. *Id.* at pg. 14. The defendant accommodated the restrictions set forth by Dr. Caruso. *Id.* at pg. 4. The plaintiff, however, missed a majority of the next school year due to her illness. *Id.*

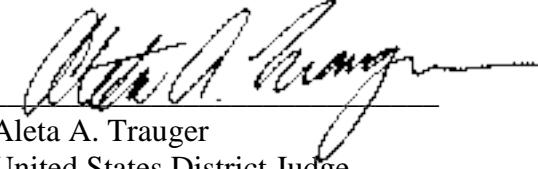
The defendant then received a letter from Dr. Caruso stating that the plaintiff's condition “has again worsened to the point that she is unable to work as a teacher. In light of this recurrence a second year in a row in a different work setting, it is my opinion that she will be unable to return to teaching in the future.” *Id.* at pg. 16. The defendant gave the plaintiff an opportunity to provide information challenging Dr. Caruso's conclusion. *Id.* at pg. 17. When the defendant received no

response from the plaintiff, she was terminated from her position. *Id.* at pg. 18.¹

The Magistrate Judge concluded, and this Court agrees, that the plaintiff has failed to show that she is a qualified individual within the meaning of the ADA. Moreover, the Magistrate Judge correctly found that the defendant had made every effort to reasonably accommodate the plaintiff's psychological needs.

For those reasons, the Report and Recommendation is ADOPTED and APPROVED in all respects. Defendant's Motion for Summary Judgment is hereby GRANTED and this action is DISMISSED.

It is so ORDERED.



Aleta A. Trauger
United States District Judge

¹ These facts, as put forth by the defendant in its Motion for Summary Judgment, were never contested by the plaintiff in either a response to the Motion for Summary Judgment or in objections to the Report and Recommendation.